

REMARKS

This Amendment filed in response to the final Office Action dated July 17, 2007, is believed to be fully responsive to the rejections raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Applicant expresses appreciation to the Examiner for the Examiner's indication that the amendments to the claims filed on March 28, 2007 were sufficient to overcome the 35 U.S.C. § 112, second paragraph; however, the claims are not yet considered patently distinguishable over the prior art of record.

Specifically, claim 1 has been rejected as being anticipated by or in the alternative, obvious over Amundson et al. Furthermore, claims 2 - 4 have been rejected as being obvious over Schmidt et al.

The present invention is drawn to a dry process non-woven pulp fabric composed of unilayer structures comprising PET/PE conjugate fibers.

In the present Amendment, claim 1 has been amended to incorporate the subject matter of claims 2 - 4.

Claims 2 - 4 have been canceled without prejudice.

No new matter has been added. Entry of the Amendment is respectfully requested. Upon entry of the Amendment, claim 1 will be pending in the application.

I. Response to Claim Rejection Under 35 U.S.C. § 102/103 Based on Amundson et al.

Claim 1 was rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly being obvious over WO 00/38565 to Amundson et al. ("Amundson et al.").

The Examiner admitted that Amundson et al. fails to teach the claimed ratio of the strength in a lengthwise direction to that in a crosswise direction, the ratio of the strength in a dry state to that of a wet state, or the claimed water absorption properties. See the Office Action of July 17, 2007 at page 3, second paragraph. According to the Examiner, the above-mentioned properties are presumptively inherent because the use of like materials and processes would result in the claimed strength and absorption properties. (Id.).

Applicant traverses the rejection, and submits that claim 1 herein is novel and unobvious.

Inherency may not be established on probabilities or possibilities. The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. M.P.E.P. § 2111.04 (IV). The Examiner fails to provide objective evidence to support the stated conclusion of inherency. Applicant respectfully submits that the ratio of the strength of the fibers and the water absorption properties recited in claim 1 are not inherent features in the prior art, but rather features of the presently claimed invention that provide advantages of the non-woven fabric produced by the air-laid method.

In claim 1, the ratio for the strength in a lengthwise direction to that in a crosswise direction is about 1.0 in both dry and wet states. Although Amundson et al. teaches a strength in a wet state, the present invention is distinguishable over that of Amundson et al. because the strength in cross-machine direction is less than half that in the machine direction. Therefore, the value of the ratio in Amundson et al. is outside the claimed range recited in claim 1. The ratio of strength in a wet state compared to that in a dry state is neither mentioned in Amundson et al. nor in USP 6,278,037 (Schmidt et al.).

The present invention is capable of inhibiting the shedding of fibers and maintaining the strength of the non-woven fabric to such a degree as to be sustainable for using the fabric in both wet and dry states for wiping and/or for repeated use without impairing its water absorption

properties. That is achieved by having the proper basis weight of the front and the back surface layers containing the heat-bondable synthetic fibers contained in the internal layer. Further, the non-woven fabric has good wiping properties because a force is applied randomly to the wiping fabric when the fabric is being used. In a wet state, the strength increases by surface tension among the fibers due to the presence of water wherein the ratio of strength in a dry state to that in a wet state exceeds 1.

Furthermore, Applicant submits that claim 1 has been amended to incorporate the subject matter of claims 2 - 4. Namely, claim 1, as amended, recites that the combination of polymers which constitute the heat-bondable synthetic conjugate fiber has a length from 1 to 15 mm and a fineness from 0.5 dt to 50 dt, and the heat-bondable synthetic conjugate fiber is polyethylene/polypropylene, polyethylene/polyester, or polypropylene/polyester. These features are not taught or suggested in Amundson et al.

Withdrawal of the rejection is therefore respectfully requested.

II. Response to Claim Rejection Under 35 U.S.C. § 102/103 Based on Schmidt et al.

Claims 2 - 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Amundson et al. in view of U.S. Patent No. 6,278,037 to Schmidt et al. ("Schmidt et al.").

The rejection of claims 2-4 is rendered moot by the entry of this Amendment, because claims 2 - 4 have been canceled without prejudice.

The following discussion addresses the combination of Amundson et al. in view of Schmidt et al. vis-à-vis amended claim 1.

The Examiner indicated that Amundson et al. fails to teach the claimed bicomponent fibers. The Examiner further asserted that Schmidt et al. teaches an absorbent article comprising

polypropylene/polyester or polyethylene/polyester having a length ranging from 0.3 - 7.5 cm and a fineness ranging from 0.4 - 20 dt wherein the fibers provide thermal bonding due to low melting sheath component. Thus, according to the Examiner, it would have been obvious to form the composite article of Amundson et al. with the bicomponent fibers taught by Schmidt et al. The motivation to do so would be derived from the desire to provide a composite article having thermal bonding abilities.

Applicant traverses the rejection on the merits.

In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. M.P.E.P. § 2141.01(a)(I). Schmidt et al. describes absorbent articles, devices which absorb and contain bodily exudates wherein said devices are placed against or in proximity to the body of the wearer to absorb and contain the various exudates discharged from the body. The absorbent article generally comprises an absorbent core, a fluid topsheet, a fluid pervious backsheet. The present invention is drawn to a dry-process nonwoven pulp fabric composed of united layer structures. Thus, the inventions are non-analogous.

Further, as previously mentioned, The ratio of strength in a wet state compared to that in a dry state is neither mentioned in Amundson et al. nor Schmidt et al. In the present invention, the ratio for the strength of the fiber in a lengthwise direction to that in a crosswise direction is about 1.0 in both dry and wet states.

Next, neither Amundson et al. nor Schmidt et al. teach or suggest a nonwoven pulp fabric composed of unilayer structures comprising an internal layer portion in which heat-bondable synthetic fibers and pulp fibers are mixed at a ratio of 20/80 to 60/40% by weight.

Furthermore, Amundson et al. teaches base sheets made by a meltblown method. On the contrary, the heat-bondable synthetic conjugate fiber, which is recited in claim 1, is not usable in a meltblown method.

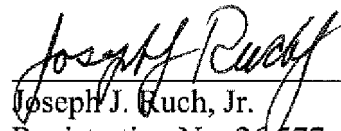
For the above-mentioned reasons, a person of ordinary skill in the art would not be motivated to combine Amundson et al. and Schmidt et al. because there is no reason to combine the references. Even if there was motivation to do so, the references combined still do not teach or suggest the invention as recited in amended claim 1.

Accordingly, Applicant respectfully requests withdrawal of the rejection.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the local Washington, D.C. telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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